

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2464

Introduced by Assembly Member Huffman
(Coauthors: Assembly Members Eng and Torlakson)

February 19, 2010

An act to amend Section 12814.6 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2464, as amended, Huffman. Vehicles: provisional licensing.

~~(1) The~~

The Brady-Jared Teen Driver Safety Act of 1997 allows for the issuance of a driver's license to ~~a person~~ *an applicant who is* at least 16 years of age but under 18 years of age pursuant to the provisional licensing program. Under the act, licensees are required to meet specified requirements, driver education, and training.

This bill would ~~raise the maximum age of a person who would be required to be issued a driver's license pursuant to the provisional licensing program to 21 years of age. The bill would in addition require a person participating in the provisional licensing program who has a valid that the instruction permit is not valid until the applicant to complete at least completes~~ the first lesson of behind-the-wheel instruction ~~before operating a motor vehicle. The bill would eliminate one of 3 training and instructional options required for obtaining a provisional license and would require the integrated driver education and training program option to include a phase 2 training to develop crash avoidance skills. The bill would require the person to record and maintain a supervised driving log and submit to a driving school the~~

~~driving log certifying that he or she has completed the required amount of driving practice before starting phase 2 training and before being issued a Behind-the-Wheel Completion Certificate. Because a violation of this provision is a crime, this bill would impose a state-mandated local program. The bill would provide that a person is not qualified to receive a Certificate of Completion of Behind-the-Wheel Driver Training unless the person records, maintains, and submits a supervised driving log to a driving school or independent driving instructor showing that the required amount of driving practice has been completed.~~

~~The bill would require driving instructors teaching the above-described phase 2 training to meet specified requirements and would require an owner of a driving school that is not a public or private secondary school to make a certification under penalty of perjury regarding the qualifications of those instructors. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: ~~yes-no~~.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The National Transportation Safety Board, on August 5,
- 4 2005, concluded that “the 56-year-old formula of 30 hours of
- 5 classroom training followed sequentially by 6 hours of
- 6 behind-the-wheel training was determined arbitrarily and is
- 7 probably inadequate to teach teenagers the skills necessary to drive
- 8 safely on today’s roadways.” Moreover, the report indicates that
- 9 researchers “have shown that driver education accomplished in 30
- 10 hours of classroom and 6 hours of behind-the-wheel training,
- 11 cannot reasonably be expected to transform a nondriver into a safe
- 12 driver.”
- 13 (b) At the recommendation of the National Transportation Safety
- 14 Board, the National Highway Traffic Safety Administration

(NHTSA) completed a nearly four-year project that concluded on April 16, 2009, with the publication of the Novice Teen Driver Education and Training Administrative Standards (NTDET AS). These new training standards for novice drivers reflect the collective knowledge and experience of both research and practice in driver education and training today. Organizations participating in this project include the NHTSA, the American Driver and Traffic Safety Education Association (ADTSEA), the American Automobile Association (AAA) Foundation for Traffic Safety, the Driving School Association of the Americas, as well as 58 driver education and training specialists, and state administrators from the United States and Canada. New training standards for novice drivers include both of the following:

(1) Completion of a minimum of 45 hours of classroom theory that includes risk management principles in all driving situations.

(2) Completion of a minimum of 10 hours of behind-the-wheel instruction that includes crash avoidance and risk management skill training in all driving situations and using visual search skills to obtain current information and make reduced-risk decisions for effective speed and position adjustments.

(c) In February 2008, the Center on Juvenile and Criminal Justice reported the following problems with graduated driver licensing:

(1) It is based on age, the least important factor, rather than based on important individual and social factors.

(2) It fails to address localized variations, such as poverty, older vehicles, and other factors.

(3) It fails to address high-risk drivers. In fact, this failure may worsen the problem by deputizing high-risk parents to train their children.

(4) It reduces the number of crashes caused by 16- and 17-year-old drivers by reducing their driving instead of improving their skills, thus resulting in less experienced 18- and 19-year-old drivers.

(d) The Center on Juvenile and Criminal Justice recommends the following for driver licensing:

(1) Change the current graduated licensing law from an age-based process to a skill- and competence-based process.

(2) Award driving privileges to novice drivers of all ages based on rigorously testing on-the-road driving skills and knowledge,

1 not on enduring arbitrary delays and restrictions until a certain age
2 is reached.

3 (3) Reinstate professionalism in driver training and not presume
4 the driving ability of anyone over 25 years of age.

5 (e) The AAA Foundation for Traffic Safety reports that the
6 majority of novice driver crashes are due to inexperience. Novice
7 teenage drivers must be given the skills needed to avoid crashes.
8 Car crashes are the number one cause of death among 15 to 20
9 year olds. First-year teenage drivers have 10 times the crashes per
10 mile as adults. Novice teenage drivers do not recognize the risks
11 involved with driving a motor vehicle and unsafe behavior. What
12 they do not know leads to false confidence. This same pattern
13 exists at all ages and levels of experience.

14 (f) On January 18, 2006, the AAA Foundation for Traffic Safety
15 reported that the majority of people killed in teenage driver crashes
16 are people other than the teenage drivers themselves. Young novice
17 drivers comprise slightly more than one-third of all the fatalities
18 in crashes in which they are involved, whereas nearly two-thirds
19 of those killed are other vehicle users and pedestrians. These
20 statistics provide new urgency to the need to develop new training
21 modalities that will substantially reduce these tragic deaths.

22 (g) The goal of the California Strategic Highway Safety Plan -
23 Challenge 6: Reduce Young Driver Fatalities is to reduce the
24 number of fatalities involving drivers between 15 and 20 years of
25 age by 15 percent from their 2004 level of 811 deaths. Fatalities
26 among those drivers averaged 801 highway fatalities during the
27 13-year span between 1995 and 2007. Novice drivers must be
28 given the skills needed to avoid fatal crashes. The Strategic
29 Highway Safety Program has determined that the traffic safety
30 economic impact to California for each highway fatality is
31 \$4,100,000. Considering the value of a life, the costs of
32 rehabilitation, and the pain and suffering of a lost loved one, the
33 economic justification for collision prevention training is
34 overwhelming and obvious.

35 (h) According to traffic safety researcher, Dr. Richard Harkness
36 of Sacramento-based Advanced Drivers Education Products and
37 Training, Incorporated, there is an overwhelming consensus in the
38 research that suggests that traditional prelicensing driver education
39 and training produces little or no crash reduction benefit for young
40 drivers. Several significant flaws in driver training that appear to

1 be responsible for the disappointing crash reduction performance
2 observed in most of the research include:

3 (1) Driver education and in-car training targets the rules of the
4 road and the Department of Motor Vehicles drive test, not crash
5 reduction.

6 (2) Most of the content of driver education or training is
7 opinion-based and not science-based regarding crash reduction.

8 (3) Learning and teaching effectiveness evaluations are virtually
9 nonexistent in the driver training industry as is contemporary
10 instructional design or technology.

11 (4) Novice teenage drivers have not developed basic driving
12 skills and their cognitive learning level is not ready to master
13 complex collision prevention training.

14 (i) Teaching and retention of advanced skills collision prevention
15 training during the initial stage of in-car training for teenagers are
16 difficult and problematic at best. Advanced safety skill acquisition
17 requires skill integration and multitasking. Research has shown
18 that advanced driver skills, such as collision prevention training,
19 cannot be effectively mastered until the teenager has some real
20 and meaningful on-the-road driving experience.

21 (j) In 2007, the American Association of State Highway and
22 Transportation Officials (AASHTO), in cooperation with the
23 Federal Highway Administration, issued its Strategic Highway
24 Safety Plan to reduce annual highway fatalities to 1.0 fatality per
25 100 million vehicle-miles of travel. The report includes: A Guide
26 for Reducing Collisions Involving Young Drivers. The report
27 strongly acknowledges that young, inexperienced teenage drivers
28 “clearly make poor judgments in their first many months of driving,
29 resulting in a high crash rate. These failed judgments often
30 represent mistakes in assessing, or in even noticing, hazards in the
31 driving environment. They also reflect misconceptions about
32 drivers’ limited abilities and their susceptibility to crashing.
33 Therefore, a promising approach for improving young driver safety
34 may lie in more effectively training them to perceive hazards and
35 to respond accordingly, rather than focusing on the kinds of basic
36 vehicle control skills that are frequently and mistakenly equated
37 with safe driving.”

38 (k) Organizations on record that recommend that driver
39 education and training programs for novice drivers focus on vehicle
40 handling and crash avoidance, driver behavior, and risk reduction

1 include the AAA Foundation for Traffic Safety, the American
2 Driver and Traffic Safety Education Association, the Governors'
3 Highway Safety Association, the National Highway Traffic Safety
4 Administration, the Driving School Association of the Americas,
5 Incorporated, the American Association of State Highway and
6 Transportation Officials, Advanced Drivers Education Products
7 and Training, Incorporated, the Driving School Association of
8 California, Incorporated, and the Federal Highway Administration.

9 (l) The lifesaving benefits of crash avoidance training have been
10 recognized by the Department of Insurance that authorizes a
11 20-percent automobile insurance policy premium discount for
12 teenagers 16 to 18 years of age who complete designated crash
13 avoidance training. The discount translates into several hundred
14 dollars a year for most insured drivers that is tantamount to
15 refunding the cost of collision prevention training over a three-year
16 period. Through the discount, parents actually save substantially
17 while providing lifesaving crash avoidance training for their
18 teenagers.

19 SEC. 2. Section 12814.6 of the Vehicle Code is amended to
20 read:

21 12814.6. (a) Except as provided in Section 12814.7, a driver's
22 license issued to a person at least 16 years of age but under 18
23 years of age shall be issued pursuant to the provisional licensing
24 program contained in this section. The program shall consist of
25 all of the following components:

26 (1) Upon application for an original license, the applicant shall
27 be issued an instruction permit pursuant to Section 12509. A person
28 who has in his or her immediate possession a valid permit issued
29 pursuant to Section 12509 may operate a motor vehicle, other than
30 a motorcycle or motorized bicycle, only when the person is either
31 taking the driver training instruction referred to in paragraph (3)
32 ~~and has completed at least the first lesson of behind-the-wheel~~
33 ~~instruction, or practicing that instruction after completion of at~~
34 ~~least the first behind-the-wheel instruction, provided the person~~
35 ~~or practicing that instruction, provided the person~~ is accompanied
36 by, and is under the immediate supervision of, a California licensed
37 driver 25 years of age or older whose driving privilege is not on
38 probation. The age requirement of this paragraph does not apply
39 if the licensed driver is the parent, spouse, or guardian of the
40 permitholder or is a licensed or certified driving instructor.

1 (2) *The instruction permit is not valid until the applicant*
2 *completes the first lesson of behind-the-wheel instruction.*

3 ~~(2)~~

4 (3) The person shall hold an instruction permit for not less than
5 six months prior to applying for a provisional driver's license.

6 ~~(3)~~

7 (4) (A) The person shall have complied with ~~either one~~ of the
8 following:

9 (i) Satisfactory completion of approved courses in automobile
10 driver education and driver training maintained pursuant to
11 provisions of the Education Code in any secondary school of
12 California, or equivalent instruction in a secondary school of
13 another state.

14 (ii) Satisfactory completion of an integrated driver education
15 and training program that is approved by the department and
16 conducted by a driving instructor licensed under Chapter 1
17 (commencing with Section 11100) of Division 5. The program
18 shall utilize segmented modules, whereby a portion of the
19 educational instruction is provided by, and then reinforced through,
20 specific behind-the-wheel training before moving to the next phase
21 of driver education and training. ~~The program shall be taught in~~
22 ~~two phases. Phase one~~ shall contain a minimum of 30 hours of
23 classroom instruction and six hours of behind-the-wheel training.
24 ~~The person shall complete a minimum of 30 hours of supervised~~
25 ~~driving practice prior to starting phase two training that shall~~
26 ~~include four hours of defensive driving classroom instruction~~
27 ~~integrated with four hours of the crash avoidance training skills~~
28 ~~that include visual search, hazard detection, risk assessment, space~~
29 ~~management, and speed control. The person shall record and~~
30 ~~maintain a supervised driving log provided by the driving school~~
31 ~~and shall submit to the driving school the supervised driving log,~~
32 ~~certifying that the person has completed the required amount of~~
33 ~~driving practice and is prepared to start phase two training.~~

34 (iii) *Satisfactory completion of six hours or more of*
35 *behind-the-wheel instruction by a driving school or independent*
36 *driving instructor licensed under Chapter 1 (commencing with*
37 *Section 11100) of Division 5 and either an accredited course in*
38 *automobile driver education in any secondary school of California*
39 *pursuant to provisions of the Education Code or satisfactory*
40 *completion of equivalent professional instruction acceptable to*

1 *the department. To be acceptable to the department, the*
2 *professional instruction shall meet minimum standards to be*
3 *prescribed by the department, and the standards shall be at least*
4 *equal to the requirements for driver education and driver training*
5 *contained in the rules and regulations adopted by the State Board*
6 *of Education pursuant to the Education Code. A person who has*
7 *complied with this clause shall not be required by the governing*
8 *board of a school district to comply with clause (i) in order to*
9 *graduate from high school.*

10 ~~(B) A person who has complied with this subdivision shall not~~
11 ~~be required by the governing board of a school district to comply~~
12 ~~with clause (i) of subparagraph (A) in order to graduate from high~~
13 ~~school.~~

14 ~~(C)~~
15 (B) Except as provided under clause (ii) of subparagraph (A),
16 a student shall not take driver training instruction, unless he or she
17 has successfully completed driver education.

18 ~~(4)~~
19 (5) The person shall complete 50 hours of supervised driving
20 practice prior to the issuance of a provisional license, which is in
21 addition to any other driver training instruction required by law.
22 Not less than 10 of the required practice hours shall include driving
23 during darkness, as defined in Section 280. ~~The person shall submit~~
24 ~~to the driving school the supervised driving log, certifying that the~~
25 ~~applicant has completed the required amount of driving practice~~
26 ~~before being issued a Behind-the-Wheel Completion Certificate.~~
27 *A person is not qualified to receive a Certificate of Completion of*
28 *Behind-the-Wheel Driver Training unless the person records,*
29 *maintains, and submits to the driving school or independent driving*
30 *instructor licensed under Chapter 1 (commencing with Section*
31 *11100) of Division 5 a supervised driving log showing that the*
32 *required amount of driving practice has been completed. Upon*
33 *application for a provisional license, the person shall submit to the*
34 *department the certification of a parent, spouse, guardian, or*
35 *licensed or certified driving instructor that the applicant has*
36 *completed the required amount of driving practice and is prepared*
37 *to take the department's driving test. A person without a parent,*
38 *spouse, guardian, or who is an emancipated minor, may have a*
39 *licensed driver 25 years of age or older or a licensed or certified*

1 driving instructor complete the certification. This requirement does
2 not apply to motorcycle practice.

3 ~~(5)~~

4 (6) The person shall successfully complete an examination
5 required by the department. Before retaking a test, the person shall
6 wait for not less than one week after failure of the written test and
7 for not less than two weeks after failure of the driving test.

8 (b) Except as provided in Section 12814.7, the provisional
9 driver's license shall be subject to all of the following restrictions:

10 (1) Except as specified in paragraph (2), during the first 12
11 months after issuance of a provisional license the licensee shall
12 not do any of the following unless accompanied and supervised
13 by a licensed driver who is the licensee's parent or guardian, a
14 licensed driver who is 25 years of age or older, or a licensed or
15 certified driving instructor:

16 (A) Drive between the hours of 11 p.m. and 5 a.m.

17 (B) Transport passengers who are under 20 years of age.

18 (2) A licensee may drive between the hours of 11 p.m. and 5
19 a.m. or transport an immediate family member without being
20 accompanied and supervised by a licensed driver who is the
21 licensee's parent or guardian, a licensed driver who is 25 years of
22 age or older, or a licensed or certified driving instructor, in the
23 following circumstances:

24 (A) Medical necessity of the licensee when reasonable
25 transportation facilities are inadequate and operation of a vehicle
26 by a minor is necessary. The licensee shall keep in his or her
27 possession a signed statement from a physician familiar with the
28 condition, containing a diagnosis and probable date when sufficient
29 recovery will have been made to terminate the necessity.

30 (B) Schooling or school-authorized activities of the licensee
31 when reasonable transportation facilities are inadequate and
32 operation of a vehicle by a minor is necessary. The licensee shall
33 keep in his or her possession a signed statement from the school
34 principal, dean, or school staff member designated by the principal
35 or dean, containing a probable date that the schooling or
36 school-authorized activity will have been completed.

37 (C) Employment necessity of the licensee when reasonable
38 transportation facilities are inadequate and operation of a vehicle
39 by a minor is necessary. The licensee shall keep in his or her
40 possession a signed statement from the employer, verifying

1 employment and containing a probable date that the employment
2 will have been completed.

3 (D) Necessity of the licensee or the licensee's immediate family
4 member when reasonable transportation facilities are inadequate
5 and operation of a vehicle by a minor is necessary to transport the
6 licensee or the licensee's immediate family member. The licensee
7 shall keep in his or her possession a signed statement from a parent
8 or legal guardian verifying the reason and containing a probable
9 date that the necessity will have ceased.

10 (E) The licensee is an emancipated minor.

11 (c) A law enforcement officer shall not stop a vehicle for the
12 sole purpose of determining whether the driver is in violation of
13 the restrictions imposed under subdivision (b).

14 (d) A law enforcement officer shall not stop a vehicle for the
15 sole purpose of determining whether a driver who is subject to the
16 license restrictions in subdivision (b) is in violation of Article 2.5
17 (commencing with Section 118947) of Chapter 4 of Part 15 of
18 Division 104 of the Health and Safety Code.

19 (e) (1) Upon a finding that any licensee has violated paragraph
20 (1) of subdivision (b), the court shall impose one of the following:

21 (A) Not less than eight hours nor more than 16 hours of
22 community service for a first offense and not less than 16 hours
23 nor more than 24 hours of community service for a second or
24 subsequent offense.

25 (B) A fine of not more than thirty-five dollars (\$35) for a first
26 offense and a fine of not more than fifty dollars (\$50) for a second
27 or subsequent offense.

28 (2) If the court orders community service, the court shall retain
29 jurisdiction until the hours of community service have been
30 completed.

31 (3) If the hours of community service have not been completed
32 within 90 days, the court shall impose a fine of not more than
33 thirty-five dollars (\$35) for a first offense and not more than fifty
34 dollars (\$50) for a second or subsequent offense.

35 (f) A conviction of paragraph (1) of subdivision (b), when
36 reported to the department, shall not be disclosed as otherwise
37 specified in Section 1808 or constitute a violation point count value
38 pursuant to Section 12810.

39 (g) Any term of restriction or suspension of the driving privilege
40 imposed on a person pursuant to this subdivision shall remain in

1 effect until the end of the term even though the person becomes
2 18 years of age before the term ends.

3 (1) The driving privilege shall be suspended when the record
4 of the person shows one or more notifications issued pursuant to
5 Section 40509 or 40509.5. The suspension shall continue until any
6 notification issued pursuant to Section 40509 or 40509.5 has been
7 cleared.

8 (2) A 30-day restriction shall be imposed when a driver's record
9 shows a violation point count of two or more points in 12 months,
10 as determined in accordance with Section 12810. The restriction
11 shall require the licensee to be accompanied by a licensed parent,
12 spouse, guardian, or other licensed driver 25 years of age or older,
13 except when operating a class M vehicle, or so licensed, with no
14 passengers aboard.

15 (3) A six-month suspension of the driving privilege and a
16 one-year term of probation shall be imposed whenever a licensee's
17 record shows a violation point count of three or more points in 12
18 months, as determined in accordance with Section 12810. The
19 terms and conditions of probation shall include, but not be limited
20 to, both of the following:

21 (A) The person shall violate no law which, if resulting in
22 conviction, is reportable to the department under Section 1803.

23 (B) The person shall remain free from accident responsibility.

24 (h) Whenever action by the department under subdivision (g)
25 arises as a result of a motor vehicle accident, the person may, in
26 writing and within 10 days, demand a hearing to present evidence
27 that he or she was not responsible for the accident upon which the
28 action is based. Whenever action by the department is based upon
29 a conviction reportable to the department under Section 1803, the
30 person has no right to a hearing pursuant to Article 3 (commencing
31 with Section 14100) of Chapter 3.

32 (i) The department shall require a person whose driving privilege
33 is suspended or revoked pursuant to subdivision (g) to submit proof
34 of financial responsibility as defined in Section 16430. The proof
35 of financial responsibility shall be filed on or before the date of
36 reinstatement following the suspension or revocation. The proof
37 of financial responsibility shall be maintained with the department
38 for three years following the date of reinstatement.

39 (j) (1) Notwithstanding any other provision of this code, the
40 department may issue a distinctive driver's license, that displays

1 a distinctive color or a distinctively colored stripe or other
2 distinguishing characteristic, to persons at least 16 years of age
3 and older but under 18 years of age, and to persons 18 years of
4 age and older but under 21 years of age, so that the distinctive
5 license feature is immediately recognizable. The features shall
6 clearly differentiate between driver's licenses issued to persons at
7 least 16 years of age or older but under 18 years of age and to
8 persons 18 years of age or older but under 21 years of age.

9 (2) If changes in the format or appearance of driver's licenses
10 are adopted pursuant to this subdivision, those changes may be
11 implemented under any new contract for the production of driver's
12 licenses entered into after the adoption of those changes.

13 (k) The department shall include, on the face of the provisional
14 driver's license, the original issuance date of the provisional
15 driver's license in addition to any other issuance date.

16 ~~(l) (1) A driving school owner shall certify to the department~~
17 ~~under penalty of perjury that the driving instructors employed by~~
18 ~~the school that teach phase two training as described in clause (ii)~~
19 ~~of subparagraph (A) of paragraph (3) of subdivision (a) have taught~~
20 ~~at least 2,000 hours of behind-the-wheel instruction and are~~
21 ~~qualified to teach the advanced driving skills described in clause~~
22 ~~(ii) of subparagraph (A) of paragraph (3) of subdivision (a). The~~
23 ~~department may require verification of the 2,000 hours of~~
24 ~~instruction through employment records.~~

25 ~~(2) Driving instructors teaching phase two training as described~~
26 ~~in clause (ii) of subparagraph (A) of paragraph (3) of subdivision~~
27 ~~(a) shall complete a minimum of six hours of crash avoidance~~
28 ~~training in each succeeding three-year period following the~~
29 ~~commencement of teaching the crash avoidance skills through~~
30 ~~satisfactory completion of continuing education courses, or other~~
31 ~~education, approved by the department. These courses shall satisfy~~
32 ~~the continuing professional education requirement of paragraph~~
33 ~~(2) of subdivision (c) of Section 11207.~~

34 ~~(3) The department may charge driving schools a fee to defray~~
35 ~~its costs in approving integrated training plans pursuant to clause~~
36 ~~(ii) of subparagraph (A) of paragraph (3) of subdivision (a) and in~~
37 ~~implementing paragraphs (1) and (2).~~

38 ~~(4) Clause (ii) of subparagraph (A) of paragraph (3) of~~
39 ~~subdivision (a) and paragraphs (1) to (3), inclusive, do not apply~~
40 ~~to public or private secondary schools.~~

(m)

(l) This section shall be known and may be cited as the Brady-Jared Teen Driver Safety Act of 1997.

~~SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~

CORRECTIONS:

Text—Pages 3 and 6.